

REMARKS

Claims 20-39 were rejected. Claims 20-21, 24-25, and 27 are amended. No new matter is added. Claims 20-39 are now pending. The above amendments and the following remarks are considered by Applicants to overcome each rejection raised by the Examiner and to place the application in condition for allowance.

Claim objections

The Examiner objected to claims 24-25 and 27 due to certain informalities. Applicants have amended the claims as suggested by the Examiner, and therefore Applicants respectfully request withdrawal of the objections.

Rejection of claims 20-39 pursuant to 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 20-39 pursuant to 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner contends “it is not clear if phrase [from claim 20] indicates that the deflecting element and the elements of the focusing optics are both moved (as indicated by claim 21), or if only the elements of focusing optics move (as is claimed in Claim 20).” The Examiner suggests amending claim 20 to specify that both elements move. Instead, Applicants herein amend dependent claim 21 to provide that the deflecting element moves. Thus, claim 20 requires only that the elements of the focusing optics move, while claim 21 requires that both the elements of the focusing optics and the deflecting element move. Accordingly, Applicants respectfully submit that the movement of the elements is no longer indefinite.

Further, the Examiner contends that “(fovea centralis)” in claim 20 is indefinite. Applicants have removed the term. For these reasons, Applicants respectfully request withdrawal of the rejections.

Rejection of claims 20-39 pursuant to 35 U.S.C. § 102(b)

The Examiner rejected claims 20-39 pursuant to 35 U.S.C. § 102(b) as being anticipated by Wei (U.S. Patent No. 6,053,613). Applicants respectfully traverse the rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 20 requires the following:

elements of focusing optics in the short-coherence interferometer carrying out a periodic back-and-forth movement so that *the measurement beam focus* which is generated by the focusing optics and imaged on the eye by relay optics *is moved synchronously with the coherence window from the cornea along the optic axis of the eye to the retina, and back.*

Wei does not disclose so moving the measurement beam focus.

The Examiner contends that Wei's "retro reflection 1130 and transmitter/beam splitter 1080/4110 move as claimed to change the focus from the cornea to the retina." Wei, however, cannot change the focus of the measurement beam. Wei's focusing optics consist only in focusing lens system 1150, which is fixed and cannot change the focus. (See Fig. 1; column 4, line 29-30.) Further, cited elements 1130, 1080, and 4110 are elements of the reference arm 1070 of the interferometer. (See Figs. 1 and 6.) Light from the reference arm 1070 will not enter the sample arm 1140 with the eye. (See Figs. 1 and 4.) Thus, the movement of the reference arm elements cannot change the focus in the sample arm 1140, and therefore cannot change the focus of a measurement beam imaged on the eye.

Further, regarding dependent claims 23 and 24, the Examiner cites "Figure 7." (Current Office Action at 4.) Wei, however, does not contain a Figure 7.

For these reasons, Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to arrive at the invention of independent claim 20 or dependent claims 21-39. Accordingly, Applicants respectfully request withdrawal of the rejection.

An early action on the merits of these claims is respectfully requested.

Respectfully submitted,

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